

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION**

<b>BRENDA K. MILLER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>No. 2:13-cv-00058</b>
<b>v.</b>	)	
	)	<b>Judge Nixon</b>
<b>CAROLYN W. COLVIN,</b>	)	<b>Magistrate Judge Griffin</b>
<b>Commissioner of Social Security,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

Pending before the Court is the Parties' Joint Motion for an Award of Attorney Fees, Under the Equal Access to Justice Act, 28 U.S.C. § 2412 ("Motion"), requesting the Court grant Plaintiff an award of \$5,000.00 in attorney's fees to be paid to Plaintiff's counsel, Leslie Clark Ledbetter, subject to any applicable offsets for pre-existing debt Ms. Ledbetter owes the Government under the Treasury Offset Program, 31 U.S.C. § 3716. (Doc. No. 29.)

Under the Equal Access to Justice Act ("EAJA"), a prevailing party in litigation against the United States may seek attorney's fees, so long as the party files for the fees within thirty days of the final judgment. 28 U.S.C. § 2412(d)(1)(A)–(B) (2012). In social security cases, a sentence of remand by the court constitutes a victory for the plaintiff, such that he or she may seek attorney's fees under the EAJA. *Shalala v. Schaefer*, 509 U.S. 292, 301 (1993).

On April 1, 2014, the Court remanded this case to the Commissioner of Social Security for further proceedings. (Doc. No. 25.) Plaintiff filed an Application for Attorney Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412 ("Application") on April 29, 2014. (Doc. No. 26.) The parties filed the Motion on May 12, 2014. (Doc. No. 29.)

Based on the agreement of the parties, the Court finds that \$5,000.00 is a reasonable award for the work performed by Plaintiff's counsel. Accordingly, the Motion (Doc. No. 29) is **GRANTED**. Plaintiff's Application (Doc. No. 26.) is **TERMINATED as moot**.

It is so ORDERED.

Entered this the 13<sup>th</sup> day of May, 2014.



JOHN T. NIXON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT